

REMARKS

In the foregoing amendments, claims 1, 4, 6, 9-12, 14, 19, 21, 23, and 24 are amended. Claim 4 has been amended to include the subject matter of claim 1 and is believed to be allowable. The remaining claims have been amended to correct minor informalities, to provide greater readability, and to more clearly define the aspects of the invention.

Claims 17 and 28-31 are canceled without prejudice, disclaimer, or waiver. Applicant reserves the right to file these canceled claims in a continuation application if desired.

Also, claims 32-40 are added. Therefore, claims 1-16, 18-27, and 32-40 are now pending in the present application.

I. Indication of Allowable Subject Matter

Applicant wishes to express his appreciation for the Examiner's indication of allowable subject matter in which claims 4, 23, 30, and 31 would be allowable if re-written to include the subject matter of the respective base claims and any intervening claims. In this regard, claim 4 has been amended to include the subject matter of independent claim 1. Claim 4 is therefore believed to be allowable.

II. Response to 35 U.S.C. §102 Rejection

Claims 1-3, 5-22, and 24-29 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Peter* (U.S. Patent No. 6,220,191). Claims 17 and 28-31 have been canceled herein, and the rejection of these claims is considered to be moot. Regarding the remaining claims, Applicant respectfully traverses this rejection on the grounds that *Peter* does not disclose each and every element of the claims.

A. Claim 1

Claim 1 is directed to a planting assembly comprising, *inter alia*, "an adapter configured for mounting to the seed tube" and "a spray arm including a proximal end configured for removably mounting to the adapter". *Peter* does not disclose an adapter mounted to a seed tube and a separate spray arm configured for removably mounting to the adapter. Rather, *Peter* simply discloses a firmer 22 connected to a chute 36 and does not disclose an adapter connected to a seed tube. In addition, claims 2, 3, and 5-9 are

believed to be allowable for at least the reason that these claims depend from allowable independent claim 1.

B. Claim 10

Claim 10 is directed to a method which recites “*providing a bracket configured to be attached to the planting assembly*” and “*providing a spray arm configured to be removably mounted to the bracket*”. *Peter* simply connects a firmer 22 to a chute 36, where the firmer 22 is a single unitary piece. However, *Peter* fails to disclose a bracket to be attached to the planting assembly in addition to *a spray arm configured to be removably mounted to a spray arm to the bracket*, as claimed.

Furthermore, claim 10 recites directing a liquid to thereby apply the liquid to *the seed, the furrow, and an area outside the furrow*. *Peter* dispenses liquids from hoses 40 and 41, the ends of which are positioned inside the furrow. Therefore, *Peter* fails to apply liquid to “*an area outside the furrow*” as claimed.

For at least these reasons, it is believed that claim 10 is allowable over *Peter*. Also, claims 11-13 and newly added claims 32 and 33 are believed to be allowable for at least the reason that they depend from claim 10 and include the subject matter of claim 10 believed to be allowable, as explained above.

C. Claim 14

Claim 14 is directed to a planting assembly comprising, *inter alia*, “*a bracket configured to be supported by the planting assembly*” and “*a spray arm including a proximal end ... configured to be mounted to the bracket*”. *Peter* does not disclose a bracket connected to the planting assembly and a spray arm mounted to the bracket. Rather, *Peter* simply discloses a firmer 22 connected to a chute 36 and does not disclose a bracket connected to a frame. Also, *Peter* fails to disclose both a seed positioning device connected to a bracket and a spray arm mounted to the bracket.

Furthermore, claim 14 includes “*a spray nozzle disposed near the distal end of the spray arm, the spray nozzle being in fluid communication with the delivery end of the liquid delivery conduit*”. *Peter* does not disclose a spray nozzle, but instead discloses hoses 40 and 41, which apparently drip the liquid into the bottom of the furrow. Without a spray nozzle, *Peter* is unable to dispense the liquid in a particular spray pattern.

For at least these reasons, it is believed that claim 14 is allowable over *Peter*. Also, claims 15-18 and newly added claims 34-37 are believed to be allowable for at least the reason that they depend from claim 14 and include the subject matter of claim 14 believed to be allowable, as explained above.

D. Claim 19

Claim 19 is directed to a planting assembly comprising, *inter alia*, “means for securing the seed positioning device to the planting assembly” and a “spray arm including a proximal end ... being supported by the means for securing”. *Peter* fails to disclose these aspects of claim 19.

Also, claim 19 includes the spray arm including a distal end “being disposed above the furrow” and the delivery end of the liquid delivery conduit being adjacent to the distal end. In contrast, *Peter* positions the delivery end of hoses 40 and 41 within the furrow, not above the furrow as claimed.

For at least these reasons, it is believed that claim 19 is allowable over *Peter*. Also, claim 20 and newly added claim 38 are believed to be allowable for at least the reason that they depend from claim 19 and include the subject matter of claim 19 believed to be allowable, as explained above.

E. Claim 21

Claim 21 includes, *inter alia*, “a bracket adapted for connection to the planting assembly” and “a spray arm including a proximal end ... configured to be removably mounted to the bracket”. *Peter* does not disclose such a bracket adapted for connection to a planting assembly on which a spray arm is configured to be removably mounted.

Also, claim 21 includes the spray arm including a distal end “being disposed above the furrow” and the delivery end of the liquid delivery conduit being disposed near the distal end of the spray arm. In contrast, *Peter* positions the delivery end of hoses 40 and 41 within the furrow, not near an end of a spray arm disposed above the furrow, as claimed.

For at least these reasons, it is believed that claim 21 is allowable over *Peter*. Also, claims 22, 23, and newly added claims 39 and 40 are believed to be allowable for at least the reason that they depend from claim 21 and include the subject matter of claim 21 believed to be allowable, as explained above.

F. Claim 24

Claim 24 includes, *inter alia*, a spray arm having a distal end “*disposed above the furrow*”. *Peter* fails to disclose this aspect of claim 24.

Also, claim 24 includes a “*spray head configured to be telescopically received on the distal end of the spray arm*”. In contrast, *Peter* does not appear to include any element at the end of hoses 40 and 41, and particularly fails to teach a “*spray head on the distal end*”, and more particularly, a spray head configured to be “*telescopically received on the distal end of the spray arm*” as claimed.

For at least these reasons, it is believed that claim 24 is allowable over *Peter*. Also, claims 25-27 are believed to be allowable for at least the reason that they depend from claim 24 and include the subject matter of claim 24 believed to be allowable, as explained above.

III. New Claims

Claims 32-40 have been newly added to further define and/or clarify the scope of the invention.

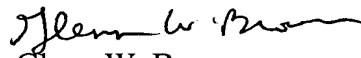
IV. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

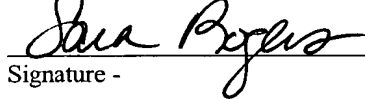
In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-16, 18-27, and 32-40 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,


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